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Patent

Attorney Docket No. GEMS8081.023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Durbin et al.

Serial No.

09/681,017

Filed

November 22, 2000

For

METHOD AND SYSTEM TO REMOTELY ENABLE

SOFTWARE-BASED OPTIONS FOR A TRIAL PERIOD

Group Art No.

3621

Examiner

Calvin Loyd Hewitt II

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Malling

deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 CFR 1,8(a)

37 CFR 1.10

with sufficient postage as first class mail O As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

transmitted by facsimile to Fax No.: 571-273-8300 addressed to Director Wynn Coggles at the Patent and Trademark Office.

Date: May 12, 2008

/Oregory V. Medden/ Signature

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.183 TO SUSPEND RULES OF 37 C.F.R. §1.131 and 37 C.F.R. §1.48

Dear Sir:

In response to the Decision on Petition mailed October 12, 2007, Applicant submits this Petition under 37 C.F.R. § 1.183. Applicant respectfully requests suspension of the requirements of 37 C.F.R. § 1.131 and 37 C.F.R. § 1.48 in order to proceed with a renewed Antedating Declaration without the signatures of joint inventors Winnie Durbin, Karamjeet Singh, and Kun 592402 09681017 01 FC:1462 400.00 DA Zhang.

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400.00 DA

Durbin et al. S/N: 09/681,017

undeliverable. Attached hereto as Exhibit A is a copy of the returned email. Further attempts to contact Ms. Durbin were unsuccessful, and it was confirmed by Ms. Durbin's spouse that she was no longer employed by the assignee and did not wish to be contacted. Attached hereto as Exhibit B is a copy of the email correspondences with Mr. Phillip Durbin, joint inventor Winnie Durbin's spouse. Thus, despite numerous efforts, the undersigned was unable to obtain the contact information and cooperation of Ms. Durbin.

During the efforts to contact Ms. Durbin and to obtain the evidence required to establish diligence in compliance 37 C.F.R. §1.131, it was further brought to the undersigned's attention that four inventors were incorrectly omitted from the application as originally filed. Thus, a Petition to Correct Inventorship under 37 C.F.R. § 1.48 is being filed concurrently herewith, effectively adding joint inventors David T. Mehring, Thomas L. Lamoureux, Hubert A. Zettel, and Timothy D. Butler. Mr. Mehring, Mr. Lamoureux, Mr. Zettel, and Mr. Butler have, as joint inventors, have agreed to sign the declaration under 37 C.F.R. § 1.131.

Accordingly, Applicant believes that it should not be prejudiced by the lack of signatures from a missing former employee and two uncooperative former employees, especially considering Applicant is able to supply the signatures of four additional joint inventors to support the declarations under 37 C.F.R. § 1.131 and 37 C.F.R. § 1.48.

Applicant therefore respectfully requests the suspension of the rules of §1.131 and § 1.48 requiring signatures from all joint inventors on the declarations. Applicant hereby authorizes charging of Deposit Account No. 50-2402 for the fee of \$400.00 under 37 C.F.R. 1.17(f).

Applicant appreciates the consideration of this Petition and invites the Office of Petitions to contact the undersigned, should any matters be considered unresolved.

Respectfully submitted,

/Timothy J. Ziolkowski/

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Dated: May 12, 2008

Attorney Docket No.: GEMS8081.023

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